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ABSTRACT

Nevada statutes and administrative regulations specifically prohibit the disclosure of the content of examinations used in the Nevada Proficiency Examination Program. This document focuses on procedures to insure examination security. The state's test security requirements are outlined. Other sections deal with access to and copying of examination materials, and storing and distributing test materials. Security procedures during the administration of the examinations are described, and the conditions governing the eventual release of test materials are outlined. Principals must verify, on an annual basis, that the security procedures are followed in their schools. Four appendixes contain relevant state regulations, specific directions for test administration, a copy of the report used when materials have been compromised, and materials related to the administration of the High School Proficiency Examination. (SLD)

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Test Security Procedures for Nevada Proficiency Examinations

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Standards, Curricula, and Assessments
Nevada Department of Education

August 19, 1999

District test directors, school principals, school test coordinators, and all persons responsible for the conduct of the Nevada Proficiency Examination Program should review this document. For additional information, please call (775) 687-9213.

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Test Security Procedures for Nevada Proficiency Examinations

In Nevada, passing exit proficiency examinations in math, reading, and writing is a requirement for all students to receive a regular high school diploma. A featured element in Nevada legislation regarding school accountability is the performance of each school on a national norm-referenced examination in subject areas of reading, language, mathematics, and science. The norm-referenced examination is administered to all students in grades 4, 8, and 10. Additionally, 4th and 8th grade students are required to participate in a performance assessment of writing ability.

The decisions made based on assessment results demand consistency in test administration. When assessing a student's possession of the appropriate academic knowledge and skills, it is critical that students should have no knowledge of the specific test content or of the correct answers prior to taking state examinations. Additionally, knowledge of test content is unnecessary to effectively administer the examinations. Academic content standards in each subject area should provide teachers with an adequate understanding of the knowledge and skills expected of Nevada students and should guide test preparation.

Nevada statutes and administrative regulations specifically prohibit the disclosure of the content of examinations used in the Nevada Proficiency Examination Program (NPEP). To insure consistency in test administration and the integrity of the testing program, proper test security procedure must be followed. This document focuses on procedures to insure examination security. Additional information pertaining to NPEP test administration can be found in the annual *Guidelines for the Conduct of the Nevada Proficiency Examination Program*.

Test Security Requirements

Nevada Administrative Code Chapter 389 (Sec. 2) (effective December 10, 1997) and Nevada Revised Statutes 389.015 (1997) (see *Appendix A)* require specific test security procedures and authorize the Nevada Department of Education (NDE) to provide security procedures for examinations included in the Nevada Proficiency Examination Program (NPEP). Growing concern regarding test security resurfaced with the passing of S.B. 21 in the 1999 Legislative Session. Senate Bill 21 amended NRS 391.312 which stipulates the conditions under which a teacher may be suspended, dismissed, not reemployed, or have their license suspended or revoked and the conditions under which an administrator may be demoted, suspended, dismissed, not reemployed, or have their license suspended or revoked. To the list of conditions was added: *Breaches*

in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015.

The maintenance of strong security measures and adherence to instructions contained in the various guidelines and administrative manuals help to prevent unauthorized persons and students from gaining access to test items and correct answers. Adherence to the steps described in this manual will help to insure the security of materials required for the administration of mandated statewide examinations.

Familiarity with Procedures for Test Administration and Security

It is important that state testing staff, district test directors and their staff, principals, school test coordinators, test administrators, and other school staff involved with mandated statewide testing be familiar with the procedures of test administration and testing security. The State Board of Education has designated the school principal as the individual responsible for the security of test materials and the proper administration of state tests at the school site.

Prior to September 15 of each school year, district test directors are expected to review the status of those individuals who will be administering NPEP tests to determine the need for training of those individuals and their supervisors in proper test administration and security procedures. Test directors are expected to conduct, or cause to be conducted by principals or school testing coordinators, appropriate training for test administrators to insure proper administration of the required tests. The training meeting(s) should be designed to cover instructions in administering tests, handling testing materials, and security procedures as indicated in this document and in state guidelines and testing manuals.

These training meetings are critical to test security. If, for example, a test administrator commits a security violation during the testing session, one of the first questions likely to be asked during a hearing is, "Were you trained in security procedures and violations?" A testing administrator/proctor must be aware of testing administration procedures and test security procedures, or that person should not be involved as an administrator/proctor. Since a proctor may become ill on the day of testing, it is a good idea to include other school administrators/staff in training, so that they are prepared to replace the absent proctors.

Access and Copying of NPEP Examination Materials

As noted in the introduction, the mandated statewide examinations of NPEP have significant consequences for the individual student and for Nevada's schools. NRS 389.015 indicates that the items contained in the NPEP examinations and the approved answers are confidential, and disclosure of test

items/booklets and testing materials and approved answers is unlawful with few exceptions.

One exception is access to the extent necessary to administer and evaluate the examinations. This refers primarily to the process needed to develop a valid examination or to select a test prepared by an outside vendor. While principals, test coordinators, and test administrators need to be knowledgeable of the test administration procedures for each NPEP examination, knowledge or review of the actual test content is not required for valid test administration and is ***prohibited***. Since test administrators or proctors are not permitted to answer student questions about test content, there is no need for individuals involved in test administration to review test booklets. An exception to access to the contents of a test booklet is made for proctors of TerraNova examinations who are required to read the contents of a TerraNova booklet to students as a special testing condition component. These proctors should sign a form indicating that they will not disclose the test contents to any other person. **Under no circumstances shall copies of a test booklet or a writing test, marked answer sheets, or answer keys be circulated among faculty, administrators, or other persons.** This rule applies before and after the administration of the test.

A second exception is made for a state officer of the executive or legislative branch, a superintendent of a school district, a director of curriculum of a school district, and a director of testing of a school district, only to the extent that access to the test items/booklet and approved answers is related to the officer's or district administrator's duties (see S.B. 70, Sec. 25., Section 1., sub section 7.) NPEP staff and, if needed, the Attorney General's Office are charged with determining whether the state officer's responsibilities in gaining access to the NPEP examinations is required and permitted by law.

A third exception is made when the Superintendent of Public Instruction determines that the testing items are not being used in current NPEP examinations with no plans to use the items in future examinations, and that making the examination content available to the public poses no threat to the current examination process.

Aside from these three exceptions, access to the items/contents of the test booklets or their approved answers is prohibited. This prohibition includes *any* content access, including copying or written notes involving testing items, materials, and answers. Examination booklets or writing tests may *not be copied by any means* without the prior authorization of the State Department of Education. The latest High School Proficiency Examinations have indications on each page that the test is not to be copied. Examinations in current use and any copies of them are not to be included in unsecured files to which faculty or other persons have unsupervised access. This applies to previously administered examinations as well.

Storing Testing Materials

NPEP test booklets, and testing materials located at the district or school-level should be stored in locked, test storage cabinets. Locked storage must be provided for test booklets, answer keys, and completed answer sheets while the materials are on site. At no time may examination materials be left unattended in any area where students and others have unsupervised access. This includes loading docks and mail rooms.

The locked room or file cabinet used for the storage of materials required for the Nevada Proficiency Examination Program should not be used for the storage of other materials to which individuals other than the principal or school test coordinator require access. Access to the storage area should be limited to the school principal and/or school testing coordinator. The key to the locked storage area should not be kept in a desk drawer or other readily accessible location.

Distribution of Testing Materials

For all Nevada Proficiency Examinations, examination materials are not to be distributed to test administrators or proctors *until the prescribed date for test administration.* For distribution of examination booklets, writing test prompts, and testing materials, district testing staff or school testing coordinators should count and number the testing booklets and materials and note the location and count of materials distributed. All test-related materials, including test booklets, writing test prompts, answer sheets, and scratch paper, should be collected individually from students before they leave the testing room after the test. Materials issued to students should be accounted for through use of a sign in/sign out inventory checklist. All materials should be returned to the testing administrator immediately upon completion of the testing session. The testing administrator will check that the number of materials issued has been returned and will secure all materials in the locked storage cabinets.

For High School Proficiency Examinations in reading, mathematics, and writing, it is necessary that a strict accounting procedure for all copies of the examinations be in place. Although different forms of the examinations are planned, each form will not be unique, in that repetition of some items from other forms is required to equate alternate forms. The same accounting process and storage process should be applied to any piloted test items.

<u>High School Proficiency Examination Required Procedure</u>

- NDE will provide shrink-wrap packages of 20 test booklets that will be boxed for each high school in quantities that the district test director indicates are required. Packets are to remain shrink-wrapped until the time of administration of the test.

- NDE will ship the high school boxes to district test directors with a *Packing List* that will indicate the number range of serial numbers of booklets included for each school.
- District test directors will inventory the packets' beginning serial numbers for each school against the *Packing List*, and complete the *District Delivery Report* and return the form to the Nevada Proficiency Examination Program at the Nevada Department of Education. If there is an extra packet or a packet missing, the Test Director must notify NPEP by telephone, and note the beginning serial number of the extra or missing packet and the school to which it's to be sent on the *District Delivery Report*.
- The district test director distributes the boxed packets to each high school in a secure manner.
- The school test administrator, when opening each packet for test administration at the school, should verify that each packet contains 20 serially numbered booklets. Should a packet be found with an extra test or a test missing, it should be recorded as an exception on the *Packet Exception Form* and the packet taken to the school test coordinator for verification. After verification of the exception, the test booklets will be returned to the test administrator for use in testing.
- After testing, the principal/test coordinator should keep test booklets in locked, secure storage until returned to the district test director. The *Packet Exception Form* should be returned with *all* test booklets in sealed, secure boxes to the district test director within five working days.
- The district test director will inventory the serial numbers of the returned booklets for each school, note serial numbers of missing booklets from the *Packet Exception Form,* and note any other missing booklets from the school. Test directors will contact school principals if there is a discrepancy between the test booklets sent/*Packet Exception Form* and the test booklets returned.
- When there is a discrepancy, school principals must provide the missing test booklet(s) and complete the *Compromise of Test Security* form signed by the school principal.
- The district test director will sign a *District Receipt Form* and destroy the returned booklets. The *District Receipt Form* and copies of the *Packet Exception Forms* along with any reports of investigation of missing test booklets and the original *Compromise of Test Security* forms are sent to the Nevada Proficiency Examination Program at the Nevada Department of Education.

The following procedures are recommended to the school sites as an aide in preventing, and in accounting for, missed test booklets.

1) School test coordinators should note the range of serial numbers of test booklets sent to each classroom for the examinations.
2) Each classroom should have a sign in/sign out list of serial numbers for students to sign when receiving the examination booklet and to sign when returning the examination booklet.

3) All test booklets should be accounted for prior to dismissing students.
4) Test coordinators should check to see that all examination booklets distributed in each classroom have been returned.
5) To reduce accounting errors, test booklets should be placed in order of serial number when sent back to test directors.

Copies of the Packing List, the District Delivery Report, the Packet Exception Form, and the District Receipt Form are provided in *Appendix D*. The Compromise of Test Security form appears in *Appendix C*.

Administration of NPEP Examinations

Examinations must be administered by district employees who are designated to administer exams and administered in a public facility approved by the board of trustees. Especially for the High School Proficiency Exam, districts or schools should arrange for reading, writing, mathematics, and science tests to be administered by individuals who do not teach the subject tested. Test administrators or proctors must be instructed that they cannot make copies or written notes regarding examination items or problems, writing prompts, or illustrations from testing materials. In the statewide writing assessments, administrators must be made aware of the prohibitions against helping students to write to the assessment topic or reviewing the students' rough drafts between the writing sessions.

A sufficient number of proctors should be provided at the testing site to adequately supervise the testing. At no time should students be left unattended during testing. Students should not bring writing materials to the test sessions. All required materials, e.g., #2 pencils, test booklets, answer sheets, and scratch paper, should be provided at the testing location. One exception is that students may have brought their own calculator for use *only on the Mathematics sub-test, Part 2 of the TerraNova*. These calculators may be collected after completing this sub-test and returned to students after the testing session. All other materials should be collected from each student before he/she is allowed to leave the test room.

Every effort should be made to schedule test sessions for the same type of test, i.e., reading, mathematics, writing, and science, within the same time period to avoid the opportunity for one student to assist another student. If this scheduling cannot be accomplished, NPEP must be contacted in writing. For the writing assessment, alternative writing topics may be required for those students taking the examination during irregular time periods. Examinations administered to adults in an evening session or at a time other than that in which the examinations are administered to students in grades 11 and 12 require the alternative topics.

It is recommended that each school prepare a roster of students taking the writing assessment or proficiency examinations, using either a sign in/sign out sheet in each test room indicating the student's name and the test(s) to be taken or a preprinted roster where students can initial by their name and check off the test(s) to be taken. The roster will be useful in ensuring that all answer sheets and testing materials are accounted for when packing answer documents and materials for shipping.

The individual preparing the answer documents for shipping should retain a list of students tested. He/she should ensure that the number of documents packed for shipping agrees with the number of students tested. The individual preparing the answer documents is the person who the district testing director will contact should the count on receipt of the documents either at the district or state level not agree with the count indicated on the header sheet.

Release of Testing Materials

For the statewide writing assessments, schools can retain copies of the writing examination topics, or copies of rough and final drafts of student papers, but should not release or put them to any use until after the school has received the report of results from that test administration. NRS 389.015 (7)(c) allows *only* the State Superintendent of Public instruction to release testing materials. If districts or schools have editions of the Nevada High School Proficiency Examinations in reading or mathematics earlier than 1990 in secure storage, those examinations have been released by the Superintendent of Public Instruction.

Assurances from School Principals

The State Board of Education requires principals to be aware of prescribed procedures for the administration and security of the statewide testing program and to verify, on an annual basis, that those procedures will be followed at their schools. To assist in this process, the Department of Education has prepared a three-part form, entitled "*Authorization to Administer the Nevada Proficiency Examinations in Accordance With Nevada Revised Statutes and the Nevada Administrative Code.*" After the principal signs the form, she/he is to keep the third (yellow) copy as a reference and return the original (white) and second copy (pink) to the District Testing Director. The second copy (pink) is for the district to retain for its records and the original copy must be returned to the Nevada Proficiency Examination Program office by September 15. The information for the form appears in *Appendix B*.

If principals are to carry out this responsibility in an effective manner, it is essential that all persons with responsibility for the proper conduct of the NPEP program within their school be familiar with regulations and policies governing the program. All responsible persons should review in detail the security information

provided in this document, the annual "*Guidelines for the Conduct of the Nevada Proficiency Examination Program*", and the appropriate administration manual(s) for the examination(s) administered in their schools. It is the district test director's responsibility to insure that principals in the district have relevant sources of all information necessary to carry out this responsibility.

Table 1 covers a number of steps that are provided to principals and school testing staff for review prior to administering NPEP examinations.

Table 1. **12 Steps Required for the Administration of Nevada Proficiency Examinations**

Please keep the following points in mind when reviewing procedures for the administration of The Nevada Proficiency Examination Program. The word "Administrator," when capitalized, refers to the individual who has accepted responsibility for the proper administration of Nevada Proficiency Examinations in the school.

1. All individuals involved in the administration of proficiency examinations should be familiar with the general instructions regarding preparation for testing, handling test materials, and test security -- contained in the Test Security Procedures manual, the Examiner's Manual for the TerraNova and/or the Administration Manual(s) for the writing assessments and/or High School Proficiency Examinations -- for those tests that will be administered in his/her school.
2. Locked, secure storage must be provided for all restricted test materials - test booklets, answer keys and completed answer sheets - while the materials are on site.
3. The locked room or file cabinet used for the storage of materials required for the Nevada Proficiency Examination Program must not be used for the storage of other materials to which individuals other than the Administrator require access. If the room can be unlocked with a master key shared by person's other than the administrator, the room is not secure.
4. The Administrator must keep the key to the locked storage area on his/her person, not in a desk drawer or other readily accessible location.
5. Under no circumstances shall copies of writing tests or test booklets, marked answer sheets, or answer keys be circulated among faculty, administrators, or other persons.
6. Copies of tests used in the Nevada Proficiency Examination Program are not to be included in test files for which access is granted to other than the Administrator.
7. Examinations are not to be distributed to those who will administer the test until the prescribed date for test administration.
8. When not in secure storage, tests are not to be left unattended in any area to which students or faculty not involved in test administration has access (includes loading docks and mail rooms).
9. On completion of testing, all materials are to be returned to the Administrator in a timely manner and not later than the end of the school day on which the test(s) is/are administered. If testing will take place over a period of more than one day, all testing materials must be returned to the Administrator at the end of each school day and picked up again in the morning before the next testing day.

10. Students should bring no writing materials to the test session. All required materials - #2 pencils, writing tests, test booklets, answer sheets and scratch paper – should be provided at the testing location. These materials should be collected from each student before he/she is allowed to leave the test room. The only exception is that students may bring their own calculator for use only on the Mathematics sub-test, Part 2 of TerraNova. These calculators should be collected after completing the sub-test and returned to students after the testing session.
11. A sufficient number of proctors should be provided at the testing site to adequately supervise the testing. At no time should students be left unattended during testing.
12. Examination booklets are **not** to be copied by any means without the prior authorization of the state Proficiency Testing Office.

NOTE: Copies of the writing prompts for the direct writing assessments at grades 4, 8, and above are to be collected at the end of the test session. However, these topics may be released after your school has received the reports of results from the examination in which the topic was used.

Reporting Irregularities and Breaches of Security

Any testing irregularities or suspected breach of test security or unauthorized disclosure of test content or approved answers must be reported immediately to the Nevada Proficiency Examination Program at the Nevada Department of Education and to district test directors.

Test directors will report all irregularities and test security breaches to the NPEP via telephone immediately and in writing within one week and will see that appropriate reports are filed.

A testing irregularity is an occurrence that can affect testing performance but does not impact testing security. For example, a proctor may have provided too much or too little time in a sub-test area of the TerraNova exam.

A breach of test security is any event that potentially threatens the security of the test contents, test booklets, or approved examination answers. For example, the secured file cabinet or room that holds Nevada Proficiency Examination materials may have been left unlocked and unattended by an authorized person. A breach of Test Security constitutes a violation of Nevada State law.

The primary difference between the testing irregularity and the breach of security is that the contents of the test or the approved answers are not affected by the testing irregularities. *When a testing irregularity occurs, the testing director must contact NPEP in writing and describe the testing irregularity and the students, classes, and schools affected.* A remedy will be provided if at all possible.

In determining breaches of test security, it is important to include even those events that have the *potential* for test security violation. For example, the testing director or school principal may inventory the testing materials in the

cabinet that was left unlocked, and finds that all of the materials are there. This would still be a breach of test security in that there remains the possibility that a copy of a test booklet was made and the test booklet was returned to the cabinet or that an unauthorized person reviewed the contents of the examination. An incident of this type must still be reported to the Department of Education.

When a breach of test security has occurred, ***the person discovering the breach and district testing directors must immediately telephone the Nevada Proficiency Examination Program at (775) 687-9213. The district testing director must write the NPEP in writing within one week and see that the completed Report of Compromise of Nevada Proficiency Materials (see Appendix C) is filed with NPEP in a timely manner.***

Response to Breaches and Violations of Security

To understand the procedures for investigation and disciplinary action to reported breaches of test security, it is necessary to distinguish between the consequences of breaches of test security and of intentional breaches of test security. Disciplinary action toward an individual is likely to occur for intentional violations of test security where the individual disclosed the content of NPEP examinations and/or approved answers with knowledge that he/she was violating test security. Disciplinary action is also likely if the consequences associated with a security breach are significant regardless of intent.

The procedure for responses to reported breaches in test security is as follows:

1. Once the Nevada Proficiency Examination Program receives a Report of Compromise of Nevada Proficiency Examination Materials, a review of the report by 2 to 3 professional staff will occur and be completed within 2 to 4 weeks.

- If the staff determines that no breach has occurred in test security, a letter indicating this conclusion will be sent to the district superintendent and testing director.
- If the staff determines that a breach has occurred (e.g., unlocked file cabinet), but there is no evidence that the breach was intentional (e.g., all materials present and the shrink wrapped packages are undisturbed), and the consequences associated with the breach are relatively insignificant, a letter indicating this conclusion will be sent to the district superintendent and testing director. This letter will ask for a corrective action plan to be submitted to prevent future breaches of the kind reported.
- If staff determines that there is sufficient evidence that an intentional breach of test security has occurred, or if the consequence of the breach is significant, the district's report will be forwarded to the Deputy Attorney General for the Department of Education for review.

2. If the report is forwarded to the Deputy Attorney General, further investigation of the incident may be required. Investigations will be conducted by NDE professional staff, an investigator assigned to the case by the Attorney General's Office, or in combination between the two agencies. This process should take approximately 4-6 weeks, depending on the various factors such as the case load of the Attorney General's investigators, the thoroughness of the report filed by the district, the need for interviews of teachers or students on vacation over the summer, or other factors that shorten or lengthen the investigation process. Following the report of the investigator, the Deputy Attorney General and the Superintendent of Public Instruction will confer about the case.

- If it is determined that the evidence is insufficient to issue a charging document of violation of test security against an individual(s) and the evidence does not indicate a significant consequence as related to the breach, NDE will write a letter indicating this to the district superintendent and testing director. No disciplinary action will be taken by NDE, *but this does not preclude a school district from taking disciplinary action*. A school district has statutory grounds for suspension or termination that differ from the state. There are other employee discipline tools available to the school district.

- If the evidence is sufficient to support a charging document of violation of test security against an individual(s) and the superintendent decides to take action for the suspension or revocation of the license, a notice of complaint will be issued to the licensee.

- When there is sufficient evidence to take action against an individual's license, the significance of the consequence of the violation of test security is a factor considered in evaluating the appropriateness of suspension or revocation of license.

3. If a notice of complaint is issued, the individual(s) has the right to request a hearing from an impartial hearing officer chosen from the American Arbitration Association.

- If the individual(s) does not request an impartial hearing, a hearing before the State Board of Education pursuant to NRS Chapter 391.312 will be conducted.

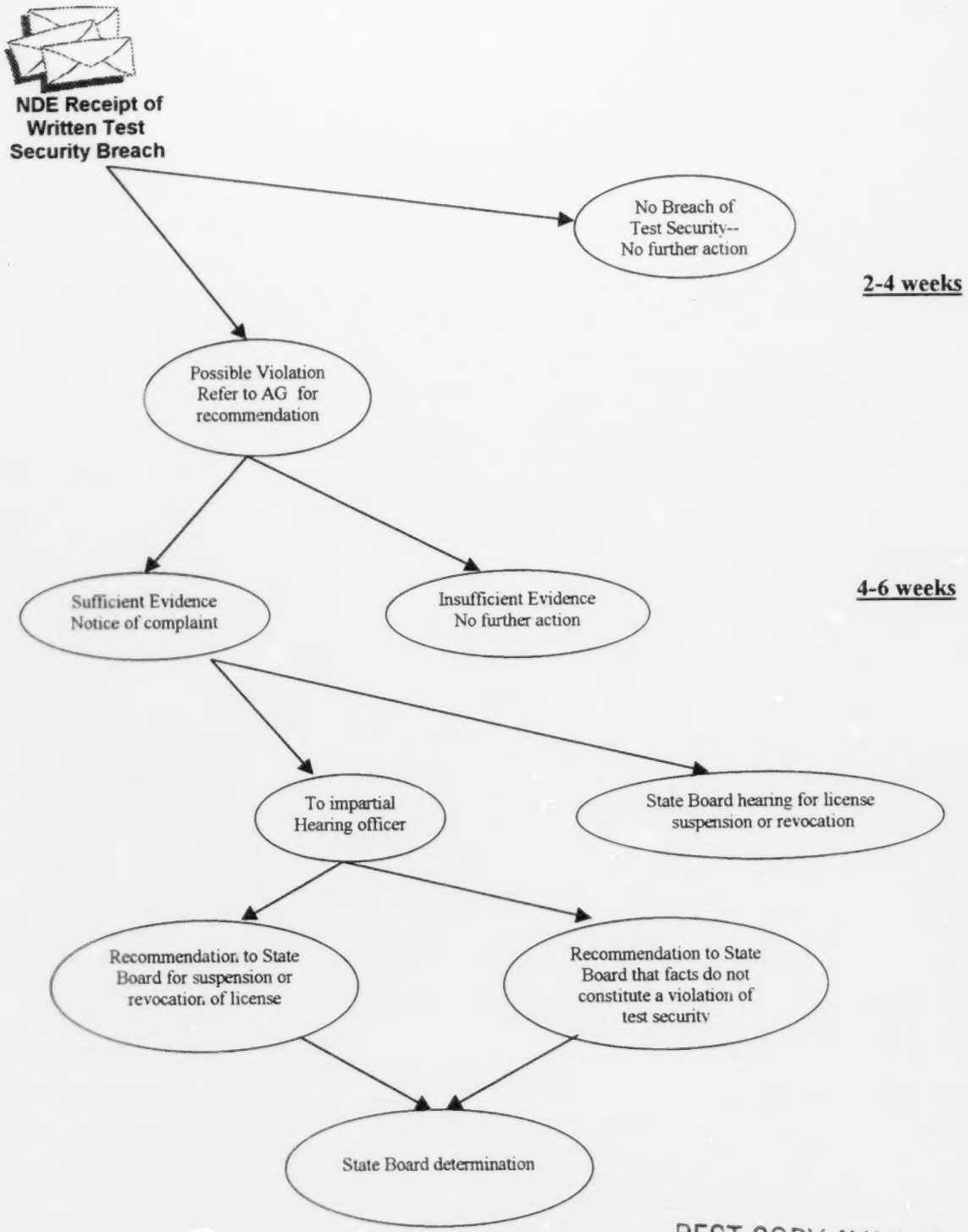
- If the individual requests an impartial hearing, the hearing officer will hear the matter, make findings, and issue a recommendation. The ultimate determination of discipline against the licensee is made by the State Board of Education.

In addition to disciplinary action that may be taken against a licensed counselor, teacher, or school administrator, breaches in security that impact the reliability and validity of student scores can result in the invalidation of student scores.

Figure 1 illustrates the procedure taken by the Nevada Department of Education for investigation of reports of test security breaches involving licensed educational staff. The State Board of Education can take disciplinary actions for licensed educational staff in terms of suspending or revoking licenses of those individuals for grounds set forth in NRS 391.330.

All **potential breaches of test security must be reported to the Nevada Department of Education and a *Report of Compromise of Nevada Proficiency Examination Materials* filed. If an unlicensed district or school staff member commits the breach in security, the school district is responsible for investigation and disciplinary action. A copy of the results of a test security investigation and notification of any disciplinary action taken by a school district must be reported to the Nevada Department of Education.**

Figure 1. **NDE Test Security Investigations Flowchart**


NDE Receipt of Written Test Security Breach
No Breach of Test Security-- No further action
2-4 weeks
Possible Violation Refer to AG for recommendation
Sufficient Evidence Notice of complaint
Insufficient Evidence No further action
4-6 weeks
To impartial Hearing officer
State Board hearing for license suspension or revocation
Recommendation to State Board for suspension or revocation of license
Recommendation to State Board that facts do not constitute a violation of test security
State Board determination

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APPENDIX A

NRS 389.015

NRS 389.015 Achievement and proficiency examinations: Administration; scoring; reporting of results; accommodations for pupils receiving special education; effect of failure to demonstrate adequate achievement or to pass; confidentiality.

1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

(a) Reading;

(b) Writing;

(c) Mathematics; and

(d) Science.

2. The examinations required by subsection 1 must be:

(a) Administered before the completion of grades 4, 8, 10 and 11.

(b) Administered in each school district and each charter school at the same time. The time for the administration of the examinations must be prescribed by the state board.

(c) Administered in each school in accordance with uniform procedures adopted by the state board. The department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Scored by the department or a single private entity that has contracted with the state board to score the examinations. If a private entity scores the examinations, it shall report the results of the examinations in the form and by the date required by the department.

3. Not more than 14 working days after the results of the examinations are reported to the department by a private entity that scored the examinations or the department completes the scoring of the examinations, the superintendent of public instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of public instruction shall certify that the results of the examinations have been transmitted to each school within the school district. Not more than 10 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

4. Different standards of proficiency may be adopted for pupils with diagnosed learning disabilities. If different standards of proficiency are adopted or other modifications or accommodations are made in the administration of the examinations for a pupil who is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, other than a gifted and talented pupil, the different standards adopted or other modifications or accommodations must be set forth in the pupil's program of special education developed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the standards prescribed by the state board.

5. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 8 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has been designated as demonstrating inadequate achievement pursuant to NRS 385.367 the pupil must, in accordance with the requirements set forth in this subsection, complete a program of remedial study pursuant to NRS 385.389.

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6. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

7. The state board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The examinations on reading, mathematics and science prescribed for grades 4, 8 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 8 and 10 in this state to that of a national reference group of pupils in grades 4, 8 and 10. **The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:**

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a state officer who is a member of the executive or legislative branch to the extent that it is related to the performance of that officer's duties.

(c) That specific questions and answers may be disclosed if the superintendent of public instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

(Added to NRS by 1977, 474; A 1983, 769; 1987, 616; 1993, 456; 1995, 8, 1742, 1743, 1744; 1997, 1773, 1868, 2768)

REVISER'S NOTE.

Ch. 473, Stats. 1997, which amended this section to require examinations in science and to require administration of the examinations to pupils enrolled in the 10th grade, contains the following provision not included in NRS:

"1. The examination in science required of pupils by the amendatory provisions of NRS 389.015 must be administered commencing in the 1999-2000 school year.

2. The examinations required of pupils who are enrolled in the 10th grade by the amendatory provisions of NRS 389.015 must be administered commencing in the 1997-1998 school year, but may be administered at a different time for that school year than the examinations administered to pupils who are enrolled in the 4th and 8th grades."

ADMINISTRATIVE REGULATIONS.

Administration of examinations, NAC 389.049-389.083

WEST PUBLISHING CO.

Schools ! 178.

WESTLAW Topic No. 345.

C.J.S. Schools and School Districts §§ 506 to 508.

ATTORNEY GENERAL'S OPINIONS.

Parent may administer examinations in home under certain circumstances. Local board of trustees of school districts may designate parent of pupil excused from compulsory attendance at public school as administrator of achievement and proficiency examinations required by NRS 389.015, and pupil's home as site of examinations, if certain conditions are met to ensure integrity and security of examinations. AGO 89-10 (7-28-1989)

Appendix B

Authorization to Administer the Nevada Proficiency Examinations

Administering the TerraNova at Grades 4, 8, and 10 and the Writing Assessment at Grades 4 and 8

Administering the Nevada High School Proficiency Examinations

Authorization to administer the Nevada Proficiency Examinations

in accordance with Nevada Revised Statutes and the Nevada Administrative Code

School year 1999-2000 (August 1, 1999 – July 31, 2000)

The _____ of _____ County School District

IS HEREBY AUTHORIZED TO ADMINISTER THE NEVADA PROFICIENCY EXAMINATIONS PURSUANT TO NRS 389.015, NRS 389.017 AND NAC CHAPTER 389 DURING THE 1999-00 SCHOOL YEAR:

AND ALSO AGREES THAT THE BUILDING PRINCIPAL WILL:

1. Insure compliance with the principles and procedures described in the school TEST COORDINATOR'S MANUAL for the *TerraNova*, the TEST DIRECTION FOR TEACHERS for the *TerraNova*, the ADMINISTRATION MANUALS for the 4th and 8th grade Proficiency Examinations in Writing, and the ADMINISTRATION MANUAL(S) for the Nevada High School Proficiency Examinations, as appropriate for grade levels in his/her school; Chapter 389 of the Nevada Administrative Code; and guidelines published by the Department of Education.
2. Insure all personnel involved in the administration of examinations required by the Nevada Proficiency Examination Program are aware of the requirements for test security printed on the back of this form.
3. Accept personal responsibility for all materials required for the administration of the Nevada Proficiency Examinations and the supervision of the administration of those examinations.
4. Advise his/her district test director of any change in personnel responsible for test materials and test administration.
5. Provide secure locked storage for all testing materials while on site and return testing materials promptly to the district test director, when required.
6. Immediately report any suspected breach of test security or unauthorized disclosure of test content to the district test director and the assessments office in the State Department of Education (775-687-9135).

Building principal: _____

Mailing address: _____ Physical Address: _____

_____ _____

_____ _____

Office telephone: _____ FAX number: _____

If principal is not available, contact: _____ at _____

Signature of building principal _____ Date: _____

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12 Steps Required for the Administration of the Nevada Proficiency Examination Program

Please keep the following points in mind when reviewing procedures for the administration of The Nevada Proficiency Examination Program. The word "Administrator," when capitalized, refers to the individual who has accepted responsibility for the proper administration of Nevada Proficiency Examinations in the school.

1. All individuals involved in the administration of proficiency examinations should be familiar with the general instructions regarding preparation for testing, handling test materials, and test security for those tests that will be administered in their school. These are contained in the Examiner's Manual for the *TerraNova* and/or the Administration Manual(s) for the 4th and 8th grade writing assessments and/or High School Proficiency Examinations – for those tests that will be administered in his/her school.

2. Locked secure storage must be provided for all restricted test materials, including test booklets, answer keys and completed answer sheets, while the materials are on site.

3. The locked room or file cabinet used for the storage of materials required for the Nevada Proficiency Examination Program must not be used for the storage of other materials to which individuals other than the Administrator require access.

4. The Administrator must keep the key to the locked storage area on his/her person, not in a desk drawer or other readily accessible location.

5. Under no circumstances shall copies of writing tests or test booklets, marked answer sheets, or answer keys be circulated among faculty, Administrators, or other persons.

6. Copies of tests used in the Nevada Proficiency Examination Program are not to be included in test files for which access is granted to anyone other than the Administrator.

7. Examinations are not to be distributed to those who will Administer the test until the prescribed date for test administration.

8. When not in secure storage, tests are not to be left unattended in any area to which students or faculty not involved in test administration have access.

9. On completion of testing, all materials are to be returned to the Administrator in a timely manner and not later than the end of the school day on which the test(s) is/are administered. If testing will take place over a period of more than one day, all testing materials must be returned to the Administrator at the end of each school day and picked up again in the morning before the next testing day.

10. Students should bring no writing materials to the test session. All required materials, including #2 pencils, writing tests, test booklets, answer sheets and scratch paper, should be provided at the testing location. These materials should be collected from each student before he/she is allowed to leave the test room.

11. A sufficient number of proctors should be provided at the testing site to adequately supervise the testing. At no time should students be left unattended during testing.

12. Examination booklets are **not** to be copied by any means without the prior authorization of the Department of Education.

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Characteristics of the
Nevada Proficiency Examination Program and Conditions for its Administration that Require Attention

Administering the TerraNova at Grades 4, 8, and 10 and the Writing Assessment at Grades 4 and 8

- The TerraNova tests administered at grades 4, 8, and 10 and required direct writing assessment at grades 4 and 8 are part of the Nevada Proficiency Examination Program

  Regulations governing the Nevada Proficiency Examination Program (NPEP) require only that the TerraNova tests of reading, language, mathematics, and science be administered at grades 4, 8, and 10. The required direct writing assessment at grades 4 and 8 is the measure of writing at those grades. Other tests (e.g. social studies and spelling) that may be administered at these grades or the entire TerraNova administered at other grade levels are NOT a part of the NPEP. Those tests or tests administered at other grade levels in your district are part of the district testing program.

  Guidelines for administration promulgated by the State Department of Education formally apply only to the tests required to be administered at grades 4, 8, and 10 as part of the NPEP. Those guidelines are more restrictive than administration procedures suggested by the CTB TerraNova *Examiner's Manuals*. Of course, your district may have elected to follow the state's guidelines for all TerraNova examinations administered in your district.

- State law prohibits the disclosure of Nevada Proficiency Examination test content except as required for proper test administration and under other limited circumstances.

  The TerraNova Test Directions for Teachers suggests that, in preparation for administering the test, School Test Coordinators and Administrators review test content. However, ***for grades 4, 8, and 10, this suggestion is contradictory to the provisions of Nevada State law (NRS 389.015) which prohibits the disclosure of the content of tests used in the NPEP and must be ignored.*** Knowledge of test content by the test administrator is not required for valid administration of the test, with the exception of cases in which proctors are required to read the contents of a TerraNova booklet to students as a special condition testing component. These proctors should sign a form indicating that they will not disclose the test contents to any other person. Nevada State guidelines for test security prohibit circulation of test booklets among faculty or administrators and provide for the distribution of

test materials to faculty who will administer the test only on the day of administration.

In addition, each principal must scrupulously follow the steps printed on the back of the principal assurance form which each principal signs to insure that the unauthorized disclosure of test content, which carries with it severe penalties, does not occur. In particular, always store test booklets in a secure location, do not distribute booklets to those who will administer the tests until they are required, do not leave test materials unattended, insure that those administering the tests are aware of the law's prohibition against disclosure of test content, and return all test booklets and completed answer sheets to secure storage as soon as they are no longer required.

Characteristics of the Nevada Proficiency Examination Program and Conditions for its Administration that Require Attention

Administering the Nevada High School Proficiency Examinations

State law prohibits the disclosure of Nevada Proficiency Examination test content except as required for proper test administration and under other limited circumstances.

- Unlike other tests of academic ability that are available to educators, Nevada Proficiency Examinations MAY BE USED ONLY for the purpose and in the manner prescribed by Nevada Revised Statutes (NAC 389.015), the Nevada Administrative Code (NAC Chapter 389), and guidelines provided by the State Department of Education (*Information for the Conduct of the Nevada Proficiency Examination Program*, the appropriate administration manuals, etc.). They ARE NOT AVAILABLE for use at the discretion of teachers or local, district, or state administrators.

- The Nevada Administrative Code (NAC 389.049 and 389.057) defines a student's eligibility to take the Nevada High School Proficiency Examinations at grades 11 and 12. To be eligible to take the examinations administered at grade 11, a student must be within three or four semesters of graduation and, at grade 12, he/she must be within two semesters of anticipated graduation. Administration of a Nevada High School Proficiency Examination to a person who is not eligible to take that examination is a violation of the provision of state law that prohibits the unauthorized disclosure of test content.

- The Nevada Administrative Code (NAC 389.051) prescribes the dates on which the Nevada High School Proficiency Examinations are to be given. Administration of proficiency examinations on other than these dates is prohibited except in limited circumstances. If you have a question about an alternate test date, contact the Nevada Proficiency Examination Program staff with your question to determine whether the administration is permitted by regulation before proceeding to administer an examination on another date.

- The publication, *Guidelines for the Conduct of the Nevada Proficiency Examination Program* for the current year contains a list of testing accommodations for students in Special Education programs, students with disabilities, and students of limited English proficiency when the student's individual case warrants an accommodation to insure a valid administration of a High School Proficiency Examination. Additional administration of these tests to students not eligible to take them under the regulations cited above are not among the permissible accommodations. Accommodations other than those listed in this publication are not permitted without the prior consent of the State Department of Education. If in doubt,

contact your District Test Director or test coordinator who will forward any request for additional consideration to the State Department of Education Proficiency Testing Office.

Appendix C

Report of Compromise of Nevada Proficiency Examination Materials

Please complete this report within two weeks of the incident in which the potential breach of test security has occurred. The original report is to be filed with the Nevada Proficiency Examination Program at the Nevada Department of Education, 700 East Fifth Street, Carson City, NV 89701. If a school principal or a school's testing coordinator is completing the report, please send a copy to the district testing director. For more information, contact Paul La Marca at the Nevada Department of Education-(775) 687-9135.

School:_____Date:_____

District:_____
Date of Incident:_____

School Principal: _____

1. What information was compromised (Writing test, math and/or reading test items, correct answers to test questions, other)? (include Form of test compromised)

2. Provide a narrative description of how the unauthorized disclosure of test content occurred. (Continue on back and attach additional sheets if necessary.)

3. Who was responsible for the compromise of these materials?

4. What is your best estimate of the damage to the Nevada Proficiency Examination Program that will result from this unauthorized disclosure of test content?

5. Do the guidelines for test security contained in the Administration Manual or other guidelines distributed by the State Department of Education contain provisions that should have prevented this unauthorized disclosure of test content?

If "Yes", which guideline was not followed?

6. Do current regulations or guidelines for the administration of the program or specific examinations contain provisions that might be reasonably interpreted as allowing a disclosure of test content under the circumstances or in the manner described in 2, above?

7. What action has been taken to help insure against future compromise of test content under the circumstances or in the manner described in 2, above.

8. Please provide your recommendation with regard to any further appropriate action that might be taken with regard to this incident.

APPENDIX D

High School Proficiency Examination:

Packing List

District Delivery Report

Packet Exception Form

Directions for Completing District Receipt Form

District Receipt Form

Nevada Department of Education
Proficiency Testing
700 East Fifth Street
Carson City, Nevada 89701

March 24, 1998

MEMORANDUM

TO: To all District Test Directors, Principals, and School Test Coordinators:

Although we expect to produce multiple forms of the high school examinations in reading and mathematics, each form will not be unique, in that repetition of some items from other forms is required to equate alternate forms. Thus, it is necessary that we maintain strict accounting for all copies of the High School Proficiency Examinations in Reading and Mathematics.

In order to do that at the variety of levels required, we will follow the following procedure.

1. Shrink-wrapped packages of 20 test booklets each will be boxed for schools and shipped directly to school district Test Directors in quantities which the district has indicated should meet schools' needs. (Answer documents will be distributed from your district office.)

2. Included with each shipment will be a packing list that will indicate the number range of serial numbers of booklets included. The number of the top booklet on the lowest numbered packet will be listed and the packet will be assumed to contain 20 booklets, with the lowest number in each packet beginning with 1, 21, 41, or 61; and the highest number ending in 20, 40, 60 or 80, respectively. The highest booklet number in the last packet also will be listed. (Save shipping boxes for return of booklets, if feasible.)

3. If on opening the complete shipment and conducting an inventory of the packets received against the packing list, the district Test Directors find an extra packet or a packet missing:
   a. Notify us immediately by telephone at (775) 687-9213, and
   b. Send us the District Delivery Report of the discrepancy as soon as possible. [FAX (775) 687-9118]

4. Keep packets in their shrink wrapping until distribution to schools for administration.

5. When each packet is opened, the school person opening the packet should verify that each packet contains 20 serially numbered booklets. Should an individual find a packet with an extra test or a test missing, record it as an exception on the Packet Exception Form and take the packet to the school Test

Coordinator for verification. After verification, the test booklets will be returned to the test administrator for use in testing. After testing, the Packet Exception Form that contains the noted exception(s) will be returned by the school Test Coordinator with the used booklets to the district Test Director.

6. To insure that all booklets are accounted for, please arrange booklets in numerical order before boxing them for return to the district Test Director.

7. Test Coordinators return all test booklets, Exceptions Forms, and answer sheets to the district Test Director in a secure manner, preferably using a method through which the package may be tracked.

8. District test directors will inventory returned test booklet serial numbers, return required forms, and destroy test booklets. For required forms, please see the NDE Test Security Procedures document. District test directors should note exception to the destruction of test booklets for the October, 1999 administration, detailed in the annual NPEP guidelines.

Nevada Department of Education
Proficiency Testing
700 East Fifth Street
Carson City, Nevada 89701

(775) 687-9213/ Fax: (775) 687-9118

District Delivery Report

To: District Testing Director
RE: Nevada High School Proficiency Examinations

This form is to be used to account for packets of materials received by your district for each school. Only the smallest of schools will receive less than a complete packet.

Upon receipt of the entire shipment for each school in your district, verify the receipt of all serially numbered booklet packets recorded on the Packing List.

NOTE: We will account for packets by the number of the top booklet in the packet and assume that each packet contains the next 19 serially numbered booklets, for a total of 20. E.g. If a school's box contained 4 packets that began with 7021, 7041, 7061, and 7081; you would have received 80 booklets numbered from 7021 through 7100. (This form is to account for packets. A separate form is included for schools to report booklets missing from packets.)

Call us immediately only if you find a discrepancy between the Packing List and the packets of examinations received.

Upon your verification of receipt of those booklets listed on the Packing List, return this form to the Nevada Proficiency Examination Program at the above address. This form should be completed immediately. If the form is not received, or not postmarked before the week of testing, we will assume that you received the complete number of packets for each school.

☐ All test packets indicated on the Packing List have been received.

☐ The following exception(s) to the Packing List have been noted:

_____ _____
District School

_____
District Test Director

Nevada Department of Education
Proficiency Testing
700 East Fifth Street
Carson City, Nevada 89701

(775) 687-9213/Fax: (775) 687-9118

Packet Exception Form

To: School Test Coordinators and Others Opening Nevada High School Proficiency Examination Test Packets Before Test Administration

Upon opening each test packet, insure that it is complete, containing 20 serially numbered tests, beginning with the number on the top test. This inventory must be conducted **before** tests are distributed to students.

Only if there is an exception to the contents of the package, too many or too few examinations, note the exception(s) below and return this form with the booklets to your school's test coordinator immediately.

The school's test coordinator will verify the exception (the missing or extra test book may belong to another packet delivered to the school), retain this form, and return the booklets test administrator for use in the testing session.

After completing testing, this form will be sent with the test booklets to the district test director. The district test director will send a copy to the Nevada Department of Education.

Exception Noted:
Number of first booklet in packet _____.
Nature of the Exception: _____
_____

_____ _____
District School

_____ _____
Test Administrator School Test Coordinator

Nevada Department of Education
Proficiency Testing
700 East Fifth Street
Carson City, Nevada 89701

(775) 687-9213/ Fax: (775) 687-9118

Directions for Completing the District Receipt Form

When schools have securely returned High School Proficiency test booklets, District Test Directors should inventory the serial numbers to assure that *all* test booklets sent to the school are returned.

1. In the first column indicate the school. Use as many copies of the form as needed to list your schools.

2. In the second column indicate the range of serial numbers of test booklets received from each school.

3. In the third column indicate the serial number(s) of missing booklets reported by the school on the Exceptions Form.

4. In the fourth column report the serial number(s) of any other booklets missing from the inventory of the schools returned booklets. *District Test Directors must investigate missing test booklets from the inventory of returned booklets.*

5. District Test Directors must destroy all returned test booklets.

6. Sign the District Receipt Form assuring the receipt and destruction of test booklets and send it to the Nevada Proficiency Examination Program at the Nevada Department of Education.

7. *With the returned District Receipt Form, include copies of each school's Exception Forms and the results of Test Directors' investigation of missing booklets.*

Nevada Department of Education
Proficiency Testing
700 East Fifth Street
Carson City, Nevada 89701

(775) 687-9213/ Fax: (775) 687-9118

District Receipt Form

School/Program	Range of Serial #'s Received	Missing Serial #(s) on Exception Form	Other Serial #'s Not Received

All test booklets, other than those very few reported by schools on the Exceptions Report, have been received by the District Test Director and have been destroyed.

_____ _____

District Test Director *Date*

Not all test booklets have been received by the District Test Director from schools. School's missing test booklets are indicated in the Other Serial Numbers Not Received. All test booklets that were received have been destroyed. The District Test Director will investigate the missing test booklets and attempt to retrieve the booklets. All retrieved missing test booklets will be destroyed. The Nevada Proficiency Examination will be contacted with the results of the Test Director's investigations at each school in a timely manner.

District Test Director *Date*